

## 16 Am. Jur. 2d Constitutional Law § 10

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### Constitutional Law

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### II. Adoption and Amendment of Constitutions

#### A. Adoption of Constitutions

## § 10. Adoption of United States Constitution

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, [Constitutional Law](#)  505, 506

### Treatises and Practice Aids

Constitutional Law Deskbook: Individual Rights § 1:3 (2d ed.) (Bill of rights)

Adoption of the Constitution of the United States is traceable to the people's disappointment with the confederation of states which they had formed in the warmth of mutual confidence after the Revolutionary War.<sup>1</sup> Experience had made it clear that a national government was required for national purposes.<sup>2</sup> Because of this, they determined to establish a federal or national union of states, for the purposes set forth in the Preamble to the Constitution which recites: "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."<sup>3</sup>

The Federal Convention met in 1787 to write the present Constitution of the United States. Several drafts of it were presented for the consideration of the Convention.<sup>4</sup> In September 1787, the Convention completed the great work in which it had been engaged and resolved that the Constitution should be laid before the Congress of the United States to be submitted by that body to conventions of the several states to be convened by their respective legislatures.<sup>5</sup> The Convention expressed the opinion that

as soon as the Constitution should be ratified by the conventions of nine states, Congress should fix a day on which electors should be appointed by the states, a day on which the electors should assemble to vote for President and Vice President, and the time and place for commencing proceedings under this Constitution.<sup>6</sup>

When the conventions of more than nine states adopted the Constitution, Congress, on September 13, 1788, passed a resolution in conformity with the opinions expressed by the Constitutional Convention and appointed the first Wednesday in March of the ensuing year as the day, and the then seat of Congress as the place, for commencing proceedings under the Constitution. The Constitution went into effect in March of 1789.<sup>7</sup>

The original version of the United States Constitution sent to the states for ratification in 1787 did not contain a Bill of Rights and did not otherwise address the issue of religious freedom. The public demand for protection of their rights was reflected in the various states' ratifying conventions.<sup>8</sup> Most of these conventions called for the inclusion of a Bill of Rights in the United States Constitution and patterned their recommendations after their own constitutions and declarations of rights.<sup>9</sup>

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#### Footnotes

- 1 Chisholm v. Georgia, 2 U.S. 419, 2 Dall. 419, 1 L. Ed. 440, 1793 WL 685 (1793).
- 2 U.S. v. Cruikshank, 92 U.S. 542, 23 L. Ed. 588, 1875 WL 17550 (1875).
- 3 U.S. v. Cruikshank, 92 U.S. 542, 23 L. Ed. 588, 1875 WL 17550 (1875).
- 4 State of Missouri v. State of Illinois, 180 U.S. 208, 21 S. Ct. 331, 45 L. Ed. 497 (1901).
- 5 Owings v. Speed, 18 U.S. 420, 5 L. Ed. 124, 1820 WL 2129 (1820).
- 6 Owings v. Speed, 18 U.S. 420, 5 L. Ed. 124, 1820 WL 2129 (1820).
- 7 Owings v. Speed, 18 U.S. 420, 5 L. Ed. 124, 1820 WL 2129 (1820).
- 8 Martin v. Beer Bd. for City of Dickson, 908 S.W.2d 941 (Tenn. Ct. App. 1995).
- 9 Martin v. Beer Bd. for City of Dickson, 908 S.W.2d 941 (Tenn. Ct. App. 1995).

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